

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANINE WEATHINGTON,

Plaintiff,

v.

CITY OF DETROIT, *et. al.*,

Defendants.

Case No. 12-13573

Honorable John Corbett O'Meara

**ORDER DENYING PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME
AND GRANTING DEFENDANT CITY OF DETROIT'S MOTION TO DISMISS**

This matter came before the court on defendant City of Detroit's October 1, 2012 motion to dismiss. After plaintiff Janine Weathington failed to file a timely response, on January 17, 2013, this court ordered her to respond by February 28, 2013. No response was filed. On March 6, 2013, Magistrate Judge Mark A. Randon issued a report and recommendation in which he recommended that the court grant City of Detroit's motion.

The court, pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, 28 U.S.C. § 636(b)(1)(B), and LR 72.1(E.D. Mich. March 1, 2010), has reviewed Magistrate Judge Randon's report and recommendation. After conducting a *de novo* review, the court accepts the magistrate judge's report and recommendation as the court's findings and conclusions.

On March 22, 2013, following Magistrate Judge Randon's report and recommendation, Plaintiff filed a motion for enlargement of time to file a response to the motion to dismiss. The court will deny Plaintiff's motion because any response to the motion to dismiss would be futile. Plaintiff simply named the wrong defendant in her complaint. The City of Detroit and Wayne County are separate legal entities, and Plaintiff has failed to state any claim against the City of Detroit.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Randon's March 6, 2013 report and recommendation is **ADOPTED**.

It is further **ORDERED** that defendant City of Detroit's October 1, 2012 motion to dismiss is **GRANTED**.

It is further **ORDERED** that Magistrate Judge Randon's January 17, 2013 report and recommendation is **ADOPTED**.

It is further **ORDERED** that defendant E. Brown is **DISMISSED**.

It is further **ORDERED** that plaintiff Janine Weathington's March 22, 2013 motion for enlargement of time is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: August 7, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 7, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager